

- 1) The above-captioned action was brought in the Court of Common Pleas, County of Richland, by Plaintiff to recover from the Defendants judgment as reflected in the Complaint for allegations of constitutional violations under 42 U.S.C. § 1983, as well as violations of the laws of the United States and the State of South Carolina.

2) Upon information and belief, at the time of the commencement of the action and at all times since then, Plaintiff is a citizen and resident of the State of South Carolina.

3) These Defendants shall pay all costs and disbursements incurred by reason of the removal proceedings should it be determined that the said action was not removable or was improperly removed. Pursuant to United States Code Ann. 28 U.S.C. § 1331, the District Courts have original jurisdiction in all civil actions arising under the Constitution, laws, or treaties of the United States. The Complaint alleges federal claims which come within the original jurisdiction of the United States District Court.

4) Upon information and belief, said action was commenced by the filing of a Complaint, attached hereto, with which these Defendants was served on July 8, 2020, and that this Notice of Removal is filed pursuant to 28 U.S.C. § 1446 within thirty (30) days of the receipt by these Defendants of the pleading setting forth the demand upon which relief is claimed.

5) This Court has original jurisdiction of this action pursuant to 28 U.S.C. § 1331. As discussed above, the Plaintiff's Complaint raises issues of federal constitutional law. Consequently, this action may be removed pursuant to 28 U.S.C. § 1441.

6) These Defendants submit this Notice of Removal without waiving any defenses to the claims asserted by the Plaintiff, including jurisdictional and service defenses, and without conceding that the Plaintiff has pled claims upon which relief can be granted.

7) The attorney of record for these Defendants signs this Notice of Removal pursuant to Rule 11 of the Federal Rules of Civil Procedure.

WHEREFORE, Defendants South Carolina Department of Corrections, Barry J. Tucker, Donald Keatley, Kellan Mills, Jeffrey West, Mark Pettit, and Officer Sanders pray that this Court accept this Notice of Removal which is being filed, that this Honorable Court take jurisdiction of the above-captioned case and that all further proceedings in said case in the Court of Common Pleas, County of Richland, State of South Carolina, bearing Civil Action Number 2020-CP-40-02971, be stayed.

HOLCOMBE BOMAR, P.A.

*s/Todd R. Flippin*

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August 7, 2020